

### **REMARKS**

Reconsideration of the above identified application in view of the following remarks is respectfully requested. Claims 1, 2, 5-8, 10-21, and 31-39 are pending in this application. Claims 1 and 31 have been amended.

Applicant's representative would like to thank Examiner Robinson for the courtesies extended during our recent telephone conversations. Claim 31 has been amended to include some features that underpin the functional "distributed mode" language of the claim. The structural features of the actuator, namely the voice coil, the magnet assembly and the substantially rigid planar member coupled to the voice coil and arranged for axial movement with respect to the magnet assembly, have been introduced to provide structural support for the "distributed mode" nature of the driver apparatus.

### **35 U.S.C. §102**

In the Office Action, Claims 5, 6, 31-33, 35 and 36 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,788,794 to Corsaro et al. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Corsaro relates to an acoustic device that operates on the pistonic principle.

In contrast, amended Claim 31 recites a driver apparatus for driving a distributed mode loudspeaker. The driver apparatus includes an actuator operable to move in dependence on an acoustic signal, the actuator comprising a voice coil, a magnet assembly and a substantially rigid planar member coupled to the voice coil and arranged for axial movement with respect to the magnet assembly, and a coupler formed of a unitary resilient material which covers the planar member and is connected to move with the planar member, the coupler being configured to, in use, couple movement of the actuator to an acoustic radiator to cause the acoustic radiator to

operate in a distributed mode fashion, in which the coupler has a Shore A hardness of no more than 20.

Corsaro et al. do not function in the distributed mode and have rubber strips 13 that do not cover a substantially rigid planar member and are not connected to move axially with a substantially rigid planar member. Consequently, Corsaro et al. do not disclose or suggest such a structural configuration. Accordingly, Claim 31 and each of the claims depending therefrom distinguish the subject invention from Corsaro et al. Therefore, withdrawal of the rejection is respectfully requested.

In the Office Action, Claims 31, 34 and 39 were rejected under 35 U.S.C. §102(b) over WIPO Publication No. WO 2002/074006 to Hynd et al. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Amended Claim 31 recites, *inter alia*, a driver apparatus for driving a distributed mode loudspeaker including a coupler formed of a unitary resilient material which covers the planar member and is connected to move with the planar member, the coupler being configured to, in use, couple movement of the actuator to an acoustic radiator to cause the acoustic radiator to operate in a distributed mode fashion.

Hynd et al. do not have a coupler formed of a unitary resilient material which covers the planar member and is connected to move with the planar member. Consequently for at least this reason, Hynd et al. do not disclose or suggest the claimed structural configuration. Accordingly, Claim 31 and each of the claims depending therefrom distinguish the subject invention from Hynd et al. and withdrawal of the rejection is respectfully requested.

**35 U.S.C. §103**

In the Office Action, Claims 2 and 38 were rejected under 35 U.S.C. § 103 (a) over Corsaro et al. and Claim 38 was rejected under 35 U.S.C. § 103 (a) over Hynd et al.

It is respectfully submitted that the deficiencies noted above with respect to these reference are not overcome. Accordingly, Claims 2 and 38 are not rendered obvious by these references and withdrawal of the rejections under 35 U.S.C. §103 (a) is respectfully requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: July 23, 2010

Electronic signature: /George N. Chaclas/  
George N. Chaclas, Reg. No. 46,608  
Edwards Angell Palmer & Dodge LLP  
Attorney for Applicant  
P.O. Box 55874  
Boston, MA 02205  
Tel: (401) 276-6653  
Fax: (617) 439-4170  
Email: gchaclas@capdlaw.com